

1 Michele R. Stafford, Esq. (SBN 172509)
Matthew P. Minser, Esq. (SBN 296344)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, California 94104
Telephone: (415) 882-7900
4 Facsimile: (415) 882-9287
Email: mstafford@sjlawcorp.com
5 Email: mminser@sjlawcorp.com

6 Attorneys for Plaintiffs, District Council 16
Nor. Cal. Health and Welfare Trust Fund, et al.

7 Wallace E. Smith (SBN 112091)
8 Squire Patton Boggs (US) LLP
275 Battery Street, Suite 2600
9 San Francisco, California 94111
Telephone: (415) 954-0200
10 Facsimile: (415) 393-9887
Email: wallace.smith@squirepb.com

11 Attorneys for Defendant, RBE Construction, Inc., et al.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
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15 DISTRICT COUNCIL 16 NORTHERN
16 CALIFORNIA HEALTH AND WELFARE
TRUST FUND, et al.,

17 Plaintiffs,

18 v.

19 RBE CONSTRUCTION INC., a California
20 corporation, doing business as SLINGSHOT
21 DRYWALL,
Defendant.

Case No. 4:17-cv-03327-HSG

**JOINT REQUEST TO EXTEND
MEDIATION COMPLETION DEADLINE
BY 60 DAYS; ORDER THEREON**

22 Plaintiffs and Defendant RBE Construction, Inc. dba Slingshot Drywall, by and through their
23 respective counsel of record, hereby respectfully request to extend the deadline to hold the mediation
24 session by 60 days. Good cause exists for the continuance, as follows:

25 1. On October 26, 2017, the Court ordered the Parties to participate in mediation within the
26 presumptive deadline of ninety days, (Dkt. No. 24), as stipulated.

27 2. Based on the October 26, 2017 order, the Parties have determined that the deadline for
28

1 the Parties to participate in mediation is January 24, 2018.

2 3. On November 13, 2017, the Court issued a Notice of Appointment of Mediator James H.
3 Fleming (Dkt. No. 25).

4 4. The parties participated in a pre-mediation phone conference on November 29, 2017 with
5 Mr. Fleming, and scheduled a mediation hearing for January 22, 2018 at 10:00 AM., at the offices of
6 Squire Patton Boggs, LLP, 275 Battery St., Suite 2600, San Francisco, California 94111.

7 5. In late December 2017, Defendant provided documents necessary to complete the
8 pending audit to Plaintiffs' auditor, Lindquist, LLP ("Lindquist").

9 6. Lindquist has advised Plaintiffs' counsel that the documents are under review and
10 preparation of the audit report is in progress. Plaintiffs' auditor estimates that the draft audit report can
11 be completed in two weeks or less.

12 7. Once the draft audit report is issued, the Defendant will have the opportunity to dispute
13 the results. The Parties believe that mediation will be most effective once the Defendant has had the
14 chance to review the audit, and the dispute process has been completed. Counsel has discussed this with
15 Mr. Fleming, the mediator, and he has expressed his support for the requested extension.

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1 8. The Parties therefore request that the Court extend the January 24, 2018 deadline to hold
2 the mediation session by 60 days to allow the Parties to complete the audit process prior to mediating.

3 DATED: January 18, 2018

**SALTZMAN & JOHNSON LAW
CORPORATION**

5 By: _____/S/
6 Matthew P. Minser
7 Attorneys for Plaintiffs, District Council 16
8 Nor. Cal. Health and Welfare Trust Fund, et al.

9 DATED: January 18, 2018

SQUIRE PATTON BOGGS (US) LLP

10 By: _____/S/
11 Wallace E. Smith
12 Attorneys for Defendant, RBE Construction, Inc.,
13 et al.

14 **CERTIFICATION RE: SIGNATURES**

15 I attest that concurrence in the filing has been obtained from the other Signatory.

16 DATED: January 18, 2018

17 By: _____/S/
18 Matthew P. Minser

19 **IT IS SO ORDERED.**

20 The deadline to hold the mediation session is extended by 60 days to March 23, 2018.

21 DATED: January 22, 2018

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23 UNITED STATES DISTRICT COURT JUDGE

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